



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Counsel to the Debtor and Debtor in Possession

In Re:

ASSUNCAO BROS., INC.,

Debtor.

Order Filed on December 20, 2022

by Clerk

U.S. Bankruptcy Court

District of New Jersey

Chapter 11 (Subchapter V)

Case No. 22-16159-CMG

Judge: Hon. Christine M. Gravelle

**CONSENT ORDER GRANTING LIMITED RELIEF FROM AUTOMATIC STAY FOR
THERESA KRAEMER**

The relief set forth on the following pages, numbered two (2) through four (4), is hereby
ORDERED.

DATED: December 20, 2022

A handwritten signature in black ink, appearing to read "Christine M. Gravelle".

Honorable Christine M. Gravelle
United States Bankruptcy Judge

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Debtors: Assuncao Bros., Inc.

Case No. 22-16159-CMG

Caption: Consent Order Granting Limited Relief from Automatic Stay for Theresa Kraemer

THIS MATTER having been brought before the Court upon the motion of Theresa Kraemer for relief from the automatic stay in order to resume pending litigation in the Superior Court of New Jersey, Law Division, Essex County, docket number ESX-L-2912-20 (the “Action”) against Assuncao Bros., Inc. (the “Debtor”), the debtor and debtor-in-possession in the above-captioned chapter 11, subchapter v case; and Theresa Kraemer and the Debtor having entered into the within Consent Order granting Theresa Kraemer limited relief from the automatic stay to resume the Action, as evidenced by the subscribed consents of counsel hereto; and the Court having jurisdiction over the matter pursuant to 28 U.S.C. §§157(b) and 1334(b); and the Court having found sufficient cause for entry of this Consent Order, it is hereby

ORDERED that the automatic stay pursuant to 11 U.S.C. § 362(a) is hereby modified to permit Theresa Kraemer to proceed with the Action subject to the terms of this Consent Order; and it is further

ORDERED, the Debtor shall only be required to defend the Action or any other action or proceeding commenced by Theresa Kraemer related to the claims underlying the Action to the extent required under any applicable liability insurance policy, and Theresa Kraemer shall seek recovery in the Action and from any claims related to the Action solely against non-debtor defendants and the proceeds of any insurance coverage applicable to the Debtor and not against the Debtor’s bankruptcy estate; and it is further

ORDERED, that the Debtor and the Debtor’s estate shall have no corporate or personal liability as a result of any judgment that may be entered in Theresa Kraemer’s favor, and Theresa Kraemer waives all claims that she might hold against the Debtor’s estate, including the right to receive any distribution from the Debtor’s estate, and any recovery by Theresa Kraemer shall be

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Debtors: Assuncao Bros., Inc.

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limited to amounts recovered from the Debtor's applicable liability insurance limits and any amounts recovered from non-debtor third parties; and it is further

ORDERED that any proof of claim filed by Theresa Kraemer is hereby withdrawn; and it is further

ORDERED, that the entry of this Order shall not be deemed to be a waiver of (a) the Debtor's right to contest any claims asserted against the Debtor's estate in any action arising from any findings, legal conclusions or decisions rendered in the Action or any related proceeding, or (b) the Debtor's right to assert any affirmative claims that the Debtor's estate may hold against any party to the Action or any related proceeding; and it is further

ORDERED, that this Court shall retain jurisdiction over any and all matters arising from or related to the implementation or interpretation of this Order.

[Signature page to follow]

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The undersigned hereby consent to the substance
and entry of this Consent Order.

FOX ROTHSCHILD, LLP
Attorneys for Debtor

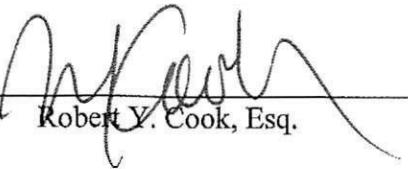
By:


Michael R. Herz, Esq.

Dated: 12/12/22

LEVINSON AXELROD, P.A.
Attorneys for Theresa Kraemer

By:


Robert V. Cook, Esq.

Dated: 12/12/22